

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

JOSEPH EZRIEL STERN, :

a/k/a “Izzy” :

a/k/a “EZ” :

Defendant. :
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FINAL ORDER
OF FORFEITURE

16 Cr 525 (JGK)

1. On or about May 28, 2020 this Court entered a Preliminary Order of Forfeiture as to Substitute Assets (D.E. 239) forfeiting to the United States, *inter alia*, all right, title, and interest of the Defendant in the following property:

- a. any and all funds on deposit in account number 27546749 held at the Berkshire Bank in the name of Joseph E. Stern and Miriam Stern (the “Berkshire Joint Account”);
- b. any and all funds on deposit in account number 27547966 held at the Berkshire Bank in the name of Joseph E. Stern (“Berkshire Account-1”);
- c. any and all funds on deposit in account number 27547613 held at the Berkshire Bank in the name of Joseph E. Stern (“Berkshire Account-2”);
- d. any and all funds on deposit in checking account number 1000046092 held at Dime Bank in the name of Joseph E. Stern and Miriam Stern (the “Dime Joint Account”);
- e. any and all contents of safe deposit box 315 at Dime Bank, Boro Park branch location in Brooklyn, New York (the “Dime Box”); and
- f. Any and all contents of safe deposit box 551 at Citibank Branch 230 located in Brooklyn, New York (the “Citibank Box”);

(collectively, the “Substitute Assets”);

WHEREAS, the Preliminary Order of Forfeiture as to Substitute Assets directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture as to Substitute Assets, notice of the United States' intent to dispose of the Subject Property, and the requirement that any person asserting a legal interest in the Subject Property must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3). The Preliminary Order of Forfeiture as to Substitute Assets further stated that the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Subject Property and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Subject Property before the United States can have clear title to the Subject Property.

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Subject Property was posted on an official government internet site (www.forfeiture.gov) beginning on July 21, 2020 for thirty (30) consecutive days, through August 19, 2020, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Asset Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on September 9, 2020 (D.E. 243);

WHEREAS, on or about June 20, 2020, notice of the Preliminary Order of Forfeiture was sent by E-mail and U.S. First Class Mail, return receipt requested, to:

Miriam Stern
c/o David B. Smith
108 North Alfred Street, 1st Floor
Alexandria, VA 22314

WHEREAS, on or about August 12, 2020, Miriam Stern filed a Petition asserting an interest in, *inter alia*, the Berkshire Joint Account and the Dime Joint Account(the “Petition”);

WHEREAS, on or about September 9, 2020, the Court entered a Stipulation and Order wherein Miriam Stern withdrew any asserted interest in fifty (50) percent of the funds from the Berkshire Joint Account, specifically, \$10,349.58 and fifty (50) percent of the funds from the Dime Joint Account, specifically, \$1,104.41 (collectively, the “Joint Account Funds”) and the balance of the funds in the Berkshire Joint Account and the Dime Joint Account was returned to Miriam Stern (D.E. __);

WHEREAS, the Defendant is the only person and/or entity known by the Government to have a potential interest in Berkshire Account-1, Berkshire Account-2, the Dime Box, and the Citibank Box.

WHEREAS, the Defendant and Miriam Stern are the only persons and/or entities known by the Government to have a potential interest in the Berkshire Joint Account and the Dime Joint Account; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2);

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Substitute Assets is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.

3. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Assets.

4. The United States Marshals Service (or its designee) shall take possession of the Substitute Assets and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

5. The Clerk of the Court shall forward four certified copies of this Final Order of Forfeiture to Assistant United States Attorney Alexander Wilson, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, Southern District of New York, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York
September 11, 2020

SO ORDERED:

/s/ John G. Koeltl
HONORABLE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE